IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.1763 of 2007

Rajinder Singh Dhanjal — Petitioner
Vs.
Ashok Bhandari & ors. — Respondents

Mr.A.M.Saraogi for petitioner.
Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.
September 18, 2007.

P.C.

. Heard Mr.Saraogi, the learned counsel for the petitioner who had filed a complaint before the learned Addl. Chief Metropolitan Magistrate at Andheri sometimes in November 2004 for the offences punishable under Sections 406, 420, 467 read with Section 34 of IPC against the present respondent nos.1 to 3. Initially by the order dated 12/1/2005 the learned Metropolitan Magistrate directed the police to investigate under Section 156(3) of Cr.P.C. The police submitted a report on 18/5/2005 and pointed out that the cause of action for the complaint did not arise under the territorial jurisdiction of the learned Metropolitan Magistrate at Andheri. This report was accepted by the impugned order dated 12/11/2006 and the learned Metropolitan Magistrate, Railway Mobile Court at Andheri was pleased to return the complaint on account of lack of

jurisdiction and so as to enable the complainant to approach the proper Court and file the complaint.

. The complaint filed by the present petitioner is in respect of the plot of land admeasuring 1.80 hector situated at Hissa No.34/5 at village Paud, Taluka Khalapur, Dist. Raigad. It was further alleged that the suit property was transferred by registered sale deed dated 2/5/2003 allegedly by one Mr. Rakesh Shetty in his capacity as the power of attorney of the present petitioner and the power of attorney was stated to be dated 14/11/2002 which has been notarised by a Notary Public at Goregaon. The complaint was presented before the learned Metropolitan Magistrate at Andheri solely on the ground that the petitioner received the intimation regarding the illegal transfer of his property at his residential address within the territorial limits of the learned Metropolitan Magistrate at Andheri.

. Receiving information in itself will not determine the cause of action and in the instant case the property is located at village Paud in Taluka Khalapur, Dist. Raigad. The sale deed was registered with the Sub Registrar at Panvel, Dist.

Raigad and, therefore, the learned Metropolitan Magistrate, Railway Mobile Court, Andheri rightly came to the conclusion that there was no cause of action which had taken place within his territorial jurisdiction to take cognizance in respect of the alleged offences i.e. illegal sale deed based on the purported power of attorney.

. Hence there is no case made out to cause interference in the order passed by the learned Magistrate returning the complaint for being presented before the appropriate Court. Hence the petition is rejected.

. It is hereby clarified that in case any FIR has been registered with the Andheri Police Station before the impugned order was passed, the same shall be transferred to the police station at Khalapur.

(B.H.MARL